

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**ROSLIE CROWE,**

**Plaintiff,**

**v.**

**3:09-CV-928  
(FJS/DRH)**

**MICHAEL ASTRUE, Commissioner of  
Social Security,**

**Defendant.**

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**APPEARANCES**

**LACHMAN & GORTON**  
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Endicott, New York 13761-0089  
Attorneys for Plaintiff

**OF COUNSEL**

**PETER A. GORTON, ESQ.**

**SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL  
COUNSEL, REGION II**  
26 Federal Plaza - Room 3904  
New York, New York 10278  
Attorneys for Defendant

**KAREN T. CALLAHAN, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

On August 13, 2009, Plaintiff commenced this action seeking judicial review of Defendant's final decision denying benefits pursuant to 42 U.S.C. § 405(g). *See* Dkt. No. 1. Defendant submitted his answer on January 4, 2010. *See* Dkt. No. 11. Plaintiff filed a brief in support of her complaint on February 9, 2010, *see* Dkt. No. 14; and Defendant filed his brief in opposition on April 28, 2010, *see* Dkt. No. 17. Plaintiff filed a reply brief in further support of

her complaint on May 4, 2010. *See* Dkt. No. 20. On August 2, 2011, Magistrate Judge Homer issued a Report-Recommendation and Order, in which he recommended that this Court affirm Defendant's decision denying benefits. *See* Dkt. No. 21 at 36. Neither party filed any objections to this Report-Recommendation and Order.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting that review, "the Court may 'accept, reject, or modify, in whole or in part, the recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Homer's August 2, 2011 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Homer's August 2, 2011 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

**ORDERS** that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

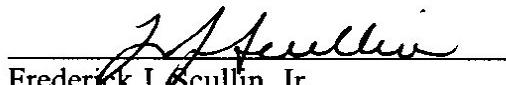
**ORDERS** that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

**ORDERS** that Defendant's final decision denying benefits is **AFFIRMED**; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

**IT IS SO ORDERED.**

Dated: September 12, 2011  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge